

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

V.

RAHIM GILBERT,

Defendant.

HONORABLE JOSEPH E. IRENAS
CRIMINAL ACTION NO. 11-252

ORDER DECIDING PRE-TRIAL MOTIONS

(Dkt. Nos. 13, 15, 17, 20)

APPEARANCES:

UNITED STATES OF AMERICA
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Counsel for Government

FEDERAL PUBLIC DEFENDERS
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Camden, New Jersey 08102
Counsel for Defendant

IRENAS, Senior District Judge:

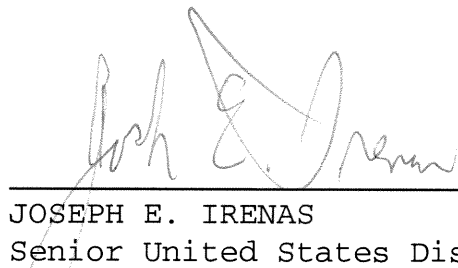
This matter having appeared before the Court on Defendant's Omnibus Motion for Pre-Trial Motions (Dkt. No. 13) and Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. No. 20), as well as the Government's two in limine motions addressing the admissibility of Defendant's prior criminal convictions (Dkt. Nos. 15 and 17); the Court having considered the submissions of the parties and oral argument having been held Tuesday, February 21, 2012;

IT IS on this 23rd day of February, 2012,

ORDERED THAT:

- (1) Defendant's motion ordering the Government to provide him with all evidence that would exculpate him or mitigate his culpability is **DISMISSED AS MOOT** in light of the April 28, 2011 Order (Dkt. No. 6) ordering the same.
- (2) Defendant's motion ordering the Newark Police Department to produce before the Court for inspection by Defendant and his counsel items designated in a February 16, 2012, subpoena (Dkt. No. 13, Ex. 3), is **DENIED WITH PREJUDICE**, provided that the Court will turn over to Defendant any *Brady* and/or *Giglio* material found during its *in camera* review of the requested materials.
- (3) Defendant's motion ordering the Government to provide a written summary of the testimony of any expert witness to be called at trial is **DISMISSED AS MOOT** as Defendant has already received the information requested.

- (4) Defendant's motion to dismiss the indictment for lack of subject matter jurisdiction (Dkt No. 20) is **DENIED WITH PREJUDICE**.
- (5) The Court **DENIES WITHOUT PREJUDICE** with leave to reassert at a later time the Government's two in limine motions (Dkt. Nos. 15 & 17) concerning evidence of Defendant's prior criminal convictions.
- (6) The Government's motion for reciprocal discovery is **GRANTED** to the extent Defendant has identified evidence to be admitted at trial.



JOSEPH E. IRENAS
Senior United States District Judge